

MSJ EXJIBIT 5 - DEFENDANTS' RESPONSE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEWIS BRISBOIS BISGAARD & §
SMITH, LLP, §

Plaintiff, §

v. §

§ Case No. 4:22-cv-3279

MICHAEL JOSEPH BITGOOD, §
a/k/a "Michael Easton," §
et al., §

Defendants. §

ORAL DEPOSITION OF
MEREDITH R. RIEDE
APRIL 1, 2024

ORAL DEPOSITION OF MEREDITH R. RIEDE, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 1st day of April, 2024, from 11:30 a.m. to 12:26 p.m., before John G. Rochelle, CSR in and for the State of Texas, reported by machine shorthand, at 515 Rusk Street, Courtroom 3A, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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17 ALSO PRESENT:

18 Mr. Deshun Bradley
19 Ms. Rhonda Clark
20 Mr. David A. Oubre
21
22
23
24
25

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1 MEREDITH R. RIEDE,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. BITGOOD:

5 Q. Good morning, ma'am. Would you state your name
6 for the record, please?

7 A. Meredith Riede.

8 Q. Ms. Riede, can we stipulate that you're an
9 attorney at law, you've got an undergraduate degree --

10 THE COURT: This is a problem. I'm not
11 hearing you.

12 MR. BITGOOD: Okay.

13 THE COURT: Get near a mike, if you would.

14 MR. BITGOOD: Can you hear me now, Your
15 Honor?

16 THE COURT: I can hear you now.

17 MR. BITGOOD: Okay.

18 Q. (BY MR. BITGOOD) Ms. Riede, what do you do for
19 a living?

20 A. I'm a city attorney for the City of Sugar Land.

21 Q. You're an attorney at law?

22 A. Yes, I am.

23 Q. Licensed by the Supreme Court of Texas?

24 A. Yes, I am.

25 Q. Are you licensed to practice in the Southern

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1 District as well?

2 A. No.

3 THE COURT: Okay. A little bit -- pull
4 your mike a little bit closer to you.

5 A. No.

6 THE COURT: You're okay. I can hear you.
7 I can't hear Mr. Bitgood.

8 Q. (BY MR. BITGOOD) Okay. Ms. Riede, I'm handing
9 you what's been marked now as Defendants Exhibit No. 44.
10 And it's a document entitled "Plaintiff's Initial
11 Disclosure." I'd like to bring to your attention page 4
12 of this exhibit, the small letter f. Could you read
13 into the record what the small letter f says?

14 A. "Meredith Riede, The City of Sugar Land, 2700
15 Town Center Boulevard North, Sugar Land, Texas 77479.
16 Ms. Riede is likely to have discoverable information
17 regarding Defendants' use of Plaintiff's protected marks
18 and names."

19 Q. Okay. Having seen that disclosure, I want to
20 talk to you a little bit about that disclosure that they
21 put out there. It says you have knowledge that
22 defendants have used the names and marks of Lewis
23 Brisbois Bisgaard & Smith. When did you first become
24 aware that such an infringement was going on?

25 A. When you sent to me an email on August 17th,

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1 2022, at 4:27 entitled "Brice Beale/Bryce Spencer." I
2 believe it's Exhibit 25.

3 Q. This is the email that was given to the Court
4 on October 6, 2022. And all it has is a question mark.
5 Would this be the email that I sent you? See the
6 question mark at the top?

7 A. This appears to be Exhibit 25, an email I sent,
8 yes.

9 Q. Okay.

10 A. On August 17th.

11 Q. Was there an attachment to that email?

12 A. Yes.

13 Q. Okay. I'm going to hand you what's been marked
14 as Defendants Exhibit 8 and 8 A. Do you recognize that
15 exhibit, and do you recognize the attachment, 8 and 8 A,
16 as in Adam?

17 MR. FISHER: Mr. Easton, do you have a copy
18 of that for me to look at?

19 MR. BITGOOD: She's got one. You can let
20 him look at that.

21 A. It appears to be the same as Exhibit 25 that I
22 was --

23 Q. (BY MR. BITGOOD) Do you want to exam it page
24 by page to make sure --

25 A. If it's not the same as Exhibit 25, then, yes,

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1 I would.

2 Q. It is the same thing, but --

3 A. If you're saying it's the same --

4 Q. It is.

5 A. -- then I'm fine. Okay. If it's the same,
6 let's go.

7 Q. Thank you, ma'am. Make sure these go to him.

8 MR. BITGOOD: Can I turn these over to him
9 now?

10 MS. NORMAN: Do what?

11 MR. BITGOOD: Do you want me to give them
12 to the court reporter now?

13 MS. NORMAN: No.

14 MR. BITGOOD: Okay.

15 Q. (BY MR. BITGOOD) Ms. Riede, do you happen to
16 know how the attachment and the complete email that
17 was -- that was sent to you on August 17th became only a
18 question mark and there was no attachment? Did you
19 remove the attachment?

20 A. I sent it from my phone. I don't know if the
21 phone stripped the attachment or not.

22 Q. Okay.

23 MR. BITGOOD: Let me see the exhibit again.
24 The one I just used.

25 Q. (BY MR. BITGOOD) Now, the email, which is

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1 Defendants Exhibit 8, is the email that I sent to you.
2 And it begins by saying "There will be no credible or
3 plausible deniability to what these people have done" --

4 THE COURT: You're going too fast. Start
5 over again.

6 MR. BITGOOD: Thank you, Your Honor.

7 Q. (BY MR. BITGOOD) "There will be no credible or
8 plausible deniability to what these people do, have been
9 doing, and have done and been getting away with by using
10 the Sugar Land Police Department as their strong arm
11 locally, thanks to Brice Beale's e-mail, the confession
12 as to what Hoover-Slovacek does and has been doing for a
13 long time." So you're going to stop. Okay?

14 Attached to this is the same exhibit that
15 you have, right, a status report? Is that the title of
16 the document?

17 A. It does not say "Status Report" next page.

18 Q. Does it say "Time Line and Chronology" on page
19 1?

20 A. Yes.

21 Q. Okay. Following that time line and
22 chronology -- those two exhibits, Defendants Exhibit 8
23 and Exhibit 8 A, is there anywhere in that document the
24 time line or chronology for the email that was sent to
25 you where I offer you any mediation or legal services?

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1 A. No. You just represented yourself as being
2 Lewis Brisbois Bisgaard & Smith.

3 Q. Okay. But for clarity, and so the judge can
4 hear it, again, nowhere in that exhibit that I offer you
5 legal or mediation services, correct?

6 A. That's correct.

7 MR. FISHER: Objection, form.

8 Q. (BY MR. BITGOOD) Ms. Riede, regarding the
9 email that was sent to you along with that status report
10 you do agree that there was a great deal of problems
11 going on between myself, a Richard Pete Jones, and some
12 other residents of Imperial Lofts in Sugar Land, Texas,
13 correct?

14 A. I don't agree.

15 Q. Okay.

16 A. I was not familiar with those facts.

17 Q. Okay. When you sent Ms. Norman an email in
18 October of that same year I believe, you told her you
19 didn't know anything about it and you couldn't comment
20 on it because the police chief had not referred it to
21 you. Do you remember that?

22 A. I vaguely remember getting an email and a phone
23 call demanding to talk about an IA, and my police
24 department said no IA was conducted.

25 Q. Okay.

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1 A. Or asked for.

2 Q. And IA, that's being internal affairs, correct?

3 A. Yes.

4 Q. Give me a moment to locate an -- give me a
5 moment to locate an exhibit, please.

6 Before I show you this exhibit, regarding
7 the email you just testified to, when you received that
8 email what did you do with it?

9 A. Which email are you referring to?

10 Q. The one that we just talked about, Defendants
11 Exhibit 8 A.

12 A. The question mark?

13 Q. Yes, ma'am.

14 A. When I received it from you, I forwarded it to
15 Norman Giles with a question mark.

16 Q. Okay. Did you have any conversations with
17 Norman Giles regarding this email?

18 A. I received a phone call after I sent the email.

19 Q. From who?

20 A. It was two individuals at Lewis Brisbois. I
21 remember it being Bill Helfand. I do not remember the
22 other individual.

23 Q. Okay. What did y'all talk about?

24 A. We talked about this document.

25 Q. Okay. You just did say "this document." Did

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1 you talk about the content, how it was received, the
2 context?

3 A. I received it, and I said, "What's going on?
4 Are you now hiring these individuals, and do you have a
5 mediation practice in Fort Bend? And this is a conflict
6 of interest because you represent my client, and this
7 appears to be a direct conflict with that." And Bill
8 goes, "It's not legitimate, and we're going to handle
9 it."

10 Q. Okay.

11 A. And I said, "Thank you." And then I promptly
12 forgot about it.

13 MS. NORMAN: I'm handing page -- deposition
14 Exhibit 32 A, pages 186 of 191.

15 MR. FISHER: You have a copy for me?

16 MS. NORMAN: No, I don't.

17 THE WITNESS: You go ahead and look. You
18 read faster than I do.

19 MR. VIADA: Okay.

20 Q. (BY MR. BITGOOD) Ms. Riede, the exhibit that
21 Mr. Fisher just handed you is an exhibit that's already
22 been admitted into evidence in this case. I want to ask
23 you a couple of questions about this. It's dated March
24 25th, 2022. Do you recall receiving this letter from
25 me?

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1 A. Vaguely.

2 Q. You see this -- in the middle of the page it
3 gives you a style and a case number, 22-CCV-070378,
4 Jones versus Martinez. You see that there?

5 A. I do.

6 Q. Okay. And in the content of this letter --
7 correct me if I'm wrong -- the grievances are against
8 the City of Sugar Land and your police department; is
9 that correct? Would that be a fair statement?

10 MR. FISHER: Excuse me, Your Honor. This
11 has nothing to do with the lawsuit that we're here
12 about. This is a substantive letter about some other
13 matter, a letter that was written by Mr. Easton to
14 Ms. Riede about something that's completely outside the
15 purview of the lawsuit that involves the use of our name
16 and the Lanham Act violations we're alleging. If I
17 could show this document to the Court.

18 THE COURT: For the record state your name,
19 please.

20 MR. FISHER: Bennett Fisher on behalf of
21 Lewis Brisbois Bisgaard & Smith.

22 THE COURT: Your response?

23 MS. NORMAN: Yes, Your Honor. This
24 lawsuit, 070378, is central to the motion for summary
25 judgment that Lewis Brisbois Bisgaard & Smith filed

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1 against Mr. Easton, myself, and Mr. Beers. This relates
2 to that lawsuit --

3 **THE COURT:** What's the relation --

4 **MS. NORMAN:** -- and --

5 **THE COURT:** What's the relationship?

6 **MS. NORMAN:** I'm sorry?

7 **THE COURT:** What is the relationship? How
8 does it relate?

9 **MS. NORMAN:** How does it relate? The
10 actions that -- part of the actions that were taken in
11 this -- in the state court case which they seek to
12 overturn involve City of Sugar Land using its
13 police depart -- its police to adversely effect
14 Mr. Jones and Mr. Bitgood in that case. So that case
15 is -- the motion for summary judgment they've got at
16 least I think 26 exhibits related to that case, and this
17 is part of that case.

18 **MR. FISHER:** Judge, there's nothing in here
19 that mentions any actions by Lewis Brisbois. And,
20 regardless, it doesn't give them license to use the name
21 Lewis Brisbois Bisgaard & Smith in any context. This
22 document talks about Imperial Lofts, Ms. Norman,
23 Mr. Jones, the police department of Sugar Land. I don't
24 see anything in here -- and this document doesn't even
25 have our letterhead on it that they were usurping.

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1 **THE COURT:** Your name, sir?

2 **MR. DUNWOODY:** My name is Wallace Dunwoody,
3 Your Honor.

4 **THE COURT:** Yes, sir?

5 **MR. DUNWOODY:** The point here is that this
6 was a letter that was sent to Ms. Riede by Mr. Bitgood
7 well before the later -- so this one was sent in March
8 of '22. And then later on in August of '22 is when
9 Mr. Bitgood sent the second email to Ms. Riede that had
10 the Lewis Brisbois letterhead on it. But the point is
11 there was this prior communication between Mr. Bitgood
12 and Ms. Riede, and the fact that there was that earlier
13 communication should provide Ms. Riede with some
14 indication that Mr. Bitgood was not associated with
15 Lewis Brisbois regardless of what the letterhead said.

16 **THE COURT:** I'll allow the question. I'll
17 allow the question.

18 **MR. BITGOOD:** Thank you, Your Honor.

19 **Q. (BY MR. BITGOOD)** Regarding this letter that
20 was sent, okay, is it safe to say that -- well, first of
21 all, were you aware that Lewis Brisbois, they were the
22 attorneys for the City of Sugar Land? Correct? You
23 mentioned a conflict of interest?

24 A. They are one of the attorney -- the law firms
25 that our risk pool assigns our cases to, yes, so --

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1 Q. Okay.

2 A. -- we have a longstanding --

3 Q. Were you aware at any time that they were also
4 the attorneys for Nolan Real Estate and Imperial Lofts?

5 A. No, the city was not a party to that lawsuit.

6 Q. I didn't ask that question. Were you aware
7 that --

8 A. I said no.

9 Q. Okay. And in this document that's already been
10 admitted into evidence did you discuss this document
11 with anybody?

12 A. I showed it to my city manager. I had
13 explained it to the mayor because you had called me a
14 KGB officer. And my mayor wanted to know why he was
15 getting this.

16 Q. It also complains about the City of Sugar Land
17 attacking us, correct, on page 5?

18 THE COURT: Why don't you clarify who "us"
19 is, Mr. Bitgood.

20 MR. BITGOOD: I'm sorry, Your Honor. That
21 would be Mr. Jones, myself, and Ms. Norman.

22 Q. (BY MR. BITGOOD) Page 5 at the top says "The
23 behavior of the Sugar Land Police Department, its
24 officers who accept these [sic] concessions from
25 Imperial Lofts to cover up multiple and ongoing criminal

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1 behavior; behavior directed against the African-American
2 community" --

3 THE COURT: Too fast. Too fast.

4 MR. BITGOOD: Too fast. I'm sorry.

5 Q. (BY MR. BITGOOD) -- "behavior against the
6 African-American community is nothing short of shameful.
7 By attacking me, the one doggedly pursuing them, it is
8 obvious to all that if they take me out, their conduct
9 might be overlooked, especially since Officer Spencer is
10 helping them avoid detection by the Federal Government
11 by defrauding the 'CARES' act, and this is not a theory,
12 it is a FACT, not to mention the taxpayers of Fort Bend
13 County, Texas." You see that there?

14 A. I do.

15 Q. Did you do anything about that besides discuss
16 it with the mayor?

17 A. I did not.

18 Q. Okay. Ms. Riede, at some point you became
19 aware that I was indicted by the Fort Bend County grand
20 jury, did you not?

21 A. You sent me an email saying as such, yes.

22 Q. I sent -- I sent you an email saying I had been
23 indicted?

24 A. I believe you sent me an email complaining
25 about something, and it was included in there.

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1 **Q.** You wouldn't happen to have a copy of that
2 email that you claim I sent you?

3 **A.** No, I do not.

4 **Q.** Okay.

5 **MR. FISHER:** Your Honor, this has nothing
6 whatsoever to do with either our lawsuit or the motion
7 for summary judgment. This is an issue between
8 Mr. Bitgood and the judiciary of Fort Bend County, and
9 possibly tangentially Ms. Riede, but nothing to do with
10 Lewis Brisbois Bisgaard & Smith. And to the extent
11 that Mr. Dunwoody even suggested a few minutes ago that
12 this would give Ms. Riede cause to know that Mr. Easton
13 and Ms. Norman were not associated with Lewis Brisbois,
14 that was in March of 2022, and it was months later that
15 the infringing emails were sent to Ms. Riede by
16 Mr. Bitgood. But the question is now about --

17 **THE COURT:** What's relevant about the
18 indictment?

19 **MS. NORMAN:** Your Honor --

20 **MR. BITGOOD:** I can't hear the judge.

21 **MS. NORMAN:** Okay.

22 **MR. BITGOOD:** Go ahead, Your Honor. I
23 didn't hear you.

24 **MS. NORMAN:** The -- I didn't hear your
25 question.

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1 **THE COURT:** My -- I'm trying to figure out
2 what is relevant about the indictment.

3 **MR. BITGOOD:** State of mind, Your Honor.
4 Everything in that motion for sum -- and the motion that
5 we intend to file, which you're giving us leave to file,
6 that we're going to file, is going to bring up this
7 issue, that this was brought in bad faith. We never had
8 bad intent. Page after page after page they allege that
9 Beers, myself, and Ms. Norman did this with a nefarious
10 and bad intent. We didn't have that --

11 **THE COURT:** You're saying that the -- the
12 indictment against you has something to do with the --
13 the use of the firm's name?

14 **MR. BITGOOD:** Yes, sir. Every bit of it.

15 **THE COURT:** How so?

16 **MR. BITGOOD:** Because that's the cause of
17 the indictment. Lewis Brisbois and their friends were
18 the ones who went to the grand jury and got me indicted.

19 **MR. FISHER:** Objection, Your Honor. That
20 assumes all kinds of facts that are not in evidence and
21 are absolutely denied, that we've denied by Mr. Helfand
22 in his deposition. It was denied by me in my
23 deposition. And I think if it was -- the question was
24 asked of Norman Giles in his deposition it was also
25 denied.

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1 **MS. NORMAN:** Your Honor, if I may. The
2 plaintiff itself is the one who put Ms. Riede's name
3 into contention as a person with knowledge of relevant
4 facts. We're entitled to explore the extent of her
5 knowledge of what we consider relevant facts related to
6 our motion for summary judgment in this case.

7 **THE COURT:** What you have in front of you,
8 right?

9 **MS. NORMAN:** No. No.

10 **MR. FISHER:** Judge, that's far beyond Rule
11 36 and the reason for this -- these depositions right
12 now. But beyond that just because facts are alleged
13 doesn't mean necessarily that they can go so far afield
14 of this deposition in terms of harassing Ms. Riede about
15 questions that she has nothing to do with. If there was
16 an indictment against Mr. Bitgood, and he wants to put
17 that into evidence, I don't think this is the time or
18 the place.

19 **THE COURT:** Well, we're not going to have
20 more than one deposition of this witness. I think he's
21 entitled to find out what this witness knows. I'm going
22 to allow it.

23 **MR. BITGOOD:** Thank you, sir.

24 **Q. (BY MR. BITGOOD)** Who did you discuss my
25 indictment with when I -- when the indictment was

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1 returned?

2 A. No one.

3 Q. You didn't talk to a Bennett Dodson?

4 A. I'm sorry. I don't know who Bennett Dodson is.

5 Q. Okay.

6 A. I don't practice criminal law, so I don't talk
7 about that.

8 MR. BITGOOD: Objection, nonresponsive.

9 Q. (BY MR. BITGOOD) Do you know who a Bryce
10 Spencer is?

11 A. Yes. He's one of our police officers.

12 Q. He's employed by the City of Sugar Land?

13 A. Yes.

14 Q. Would you take a look at Defendants Exhibit
15 No. 35 A?

16 MR. BITGOOD: That's your client, Bennett.
17 Bennett doesn't even know who his client is.

18 Q. (BY MR. BITGOOD) Could you tell the Court what
19 Exhibit No. -- it's Exhibit -- Defendants Exhibit 35 A,
20 as in Adam. Tell the Court what that is.

21 A. It appears to be a W-2 from NRES Management to
22 Bryce Andrew Spencer.

23 Q. Okay. So that's the same Bryce Andrew Spencer
24 that's employed by the City of Sugar Land, correct?

25 A. I have no idea.

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1 Q. You just testified he's one of your police
2 officers.

3 A. I have a police officer named Bryce Spencer. I
4 don't know his middle name, I don't know his address,
5 and I don't know his Social Security number.

6 Q. Okay. And that 1099 comes from an outfit
7 called NRES?

8 A. That's what it appears, yes.

9 Q. And NRES, do you know what it stands for, those
10 initials?

11 A. I do not.

12 Q. Nolan Real Estate Services?

13 A. Okay.

14 Q. And owners of Imperial Loft, clients of Lewis
15 Brisbois?

16 A. I am not familiar with any of this.

17 Q. Okay. Ma'am, would you like to -- once again,
18 this is not a 1099? This is a W-2, correct?

19 A. Yes, a W-2.

20 Q. And that makes Bryce Andrew Spencer an employee
21 of Nolan Real Estate Services, correct?

22 A. It appears so, yes.

23 Q. Okay. So what we have, if it's the same Bryce
24 Andrew Spencer that's employed by your police
25 department, he's also employed by Imperial Loft as a

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1 full-time W-2, correct?

2 A. I'm not familiar enough with this type of
3 document to be able to answer that.

4 Q. You don't know what a W-2 is, a tax document?

5 A. I know what a W-2 is, but I am a municipal
6 attorney, not a tax attorney. I can't tell you what --
7 this indicates full-time, part-time. I don't know.

8 Q. Okay. But if it's the same police officer,
9 he's also employed by NRES, correct?

10 A. If it is, yes.

11 Q. And you don't see a problem with that?

12 A. No. Our officers have a number of outside
13 employment jobs.

14 Q. He also happens to be the same officer that
15 engineered the indictment. You're aware of that,
16 correct?

17 A. I am not aware.

18 Q. You're not aware. I'm handing you what's been
19 marked as Exhibit 38 C. I believe it's a letter you
20 wrote to the Attorney General of the State of Texas in
21 an attempt to block my attempt to get the body cam of
22 Officer Spencer and the Lewis Brisbois client Madam
23 Sullivan. See if you remember that.

24 A. I do. This is my letter.

25 Q. And what was the letter written for?

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1 A. You made an open records request. You did not
2 supply all the information required by the occupations
3 code to get some of the documents you requested, so
4 pursuant to state law I have to ask the Attorney
5 General's opinion on whether or not you receive the
6 information.

7 **Q. And a week later the Sugar Land Police**
8 **Department gave me the body cam video anyway, correct?**

9 A. I don't know.

10 **MR. BITGOOD:** We can start with the orders
11 now. Go ahead and take that one.

12 **MS. NORMAN:** Can I have the pages of 185?
13 Thank you. Which one do you want? Thank you, ma'am.

14 **MR. FISHER:** All those exhibits need to be
15 recorded by the court reporter. So if you take them
16 back then --

17 **MS. NORMAN:** They're going to be recorded
18 by the court reporter. He's getting them
19 electronically. Let me give those to her.

20 **MR. BITGOOD:** Okay.

21 **MS. NORMAN:** Page 9.

22 **Q. (BY MR. BITGOOD) I'm handing you -- excuse me.**
23 **I'm handing you what's been marked as Defendants Exhibit**
24 **32 A, as in Adam. I want you to take a look at those**
25 **pages, please.**

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1 **MR. FISHER:** What's the exhibit number?

2 **MR. BITGOOD:** 32 Adam.

3 **THE COURT:** Are we done?

4 **MR. BITGOOD:** She's reading the exhibit,
5 Your Honor.

6 Mr. Fisher, you've seen these. Please.

7 **Q. (BY MR. BITGOOD)** Ms. Riede, do you recall
8 getting a copy of those from me?

9 A. If you say you sent it, I believe you.

10 **Q.** But before we get there, on the other exhibit
11 we spoke about your letter to Ken Paxton. You just told
12 the Court that the reason you refused to give the body
13 cam is because it didn't meet certain exemptions or we
14 didn't do the document request correctly. I want to
15 bring your attention the one last paragraph you put in
16 here. "This case has been appealed to the Fourteenth
17 Court of Appeals and is pending review. At this time,
18 the release of the requested information could interfere
19 with the investigation of this case if the information
20 was released to the public."

21 I asked you earlier did you know a Bennett
22 Dodson. Do you want to change your answer?

23 A. I still don't recall who that is.

24 **Q.** Okay. How would you know this case was
25 appealed to the Fourteenth Court of Appeals?

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1 A. You go onto the county's website, something
2 called tylerpaw, and you look up the case, and it tells
3 its status.

4 **Q. Regarding 32 Adam would you please read the**
5 **style of the case?**

6 A. Richard P. Jones, Michael Joseph Bitgood a/k/a
7 Michael Easton and Lewis Brisbois Bisgaard & Smith LLP,
8 a Texas Domestic LLP versus Karina Martinez, Marianna
9 Sullivan, Imperial Lofts, LLC, David Oubre, Chinasa -- I
10 apologize. I don't know how to pronounce his last name.
11 Og -- Ogbureke?

12 **Q. Uh-huh.**

13 **THE COURT:** Why don't you spell those for
14 the court reporter.

15 A. O-G-B-U-R-E-K-E. And Lewis Brisbois Bisgaard &
16 Smith LLP, a California foreign LLP.

17 **Q. (BY MR. BITGOOD) So with this pleading dated**
18 **September 13th you are aware that there is a Lewis**
19 **Brisbois Bisgaard & Smith, a Texas domestic LLP,**
20 **correct?**

21 A. That's what the style appears, yes.

22 **Q. And there's now a Lewis Brisbois Bisgaard &**
23 **Smith, a California LLP, correct?**

24 A. That's what the style appears, yes.

25 **Q. Okay. Let's take a look at the content of the**

1 order on page 2.

2 MR. FISHER: Objection. This is that same
3 September 13th, 2022 court order that the Court
4 concluded a couple of weeks ago when we were here we've
5 already seen enough of that. It really bears no
6 relationship to the violation of the Lanham Act that
7 we're here about in this courtroom. And it does seem to
8 be to be used, to me, to be used to annoy and harass and
9 not to discover anything that could possibly be
10 admissible later.

11 THE COURT: Your response?

12 MS. NORMAN: Yes, Your Honor. This is part
13 of a set of exhibits which have already been admitted
14 into evidence in this federal case. And the use of the
15 name is central to their purported Lanham --

16 THE COURT: Well, how does this witness
17 have any knowledge to bring to bear on that? How does
18 this witness know anything about the use of Lewis
19 Brisbois?

20 MS. NORMAN: Because her knowledge was
21 referenced by Mr. Helfand in a filing to this court and
22 a filing to the court of -- Fifth Circuit Court of
23 Appeals, saying that the letter, the original
24 chronology, she's got knowledge that Mr. Bitgood offered
25 mediation services to the City of Sugar Land, which she

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1 says she didn't read that in there, but the --

2 **THE COURT:** You want me to stipulate to
3 that, that he did?

4 **MS. NORMAN:** That he did? No. He did not.

5 **THE COURT:** That he did not, then? Can we
6 stipulate he did not?

7 **MR. BITGOOD:** Yes, Your Honor, if we can
8 get them to stipulate that I made no such offer.

9 **MR. FISHER:** No, I'm not going to stipulate
10 to that. To me any time you send somebody a document
11 with your letterhead on it, or you hand out a business
12 card that is advertising, that is offering services.
13 And that's what they did when they sent that to
14 Ms. Riede.

15 **THE COURT:** Mr. Dunwoody?

16 **MR. DUNWOODY:** Your Honor, the fact that
17 there was this prior existing antagonistic relationship
18 between Mr. Bitgood and the City of Sugar Land and the
19 attorneys there tends to show that when she received an
20 email from Mr. Bitgood in August of '22 that it was not
21 likely that she was confused about, A, who he is, and,
22 B, whether or not he was genuinely operating any kind of
23 mediation or arbitration services to her. So that
24 history between the two of them is important in painting
25 the context of how you got to view that August '22

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1 email. Without the history you don't have the context
2 that really shows that there's no -- no legitimate
3 chance that Ms. Riede received the email from
4 Mr. Bitgood and thought "oh, he's offering me mediation
5 and arbitration services." It's -- it's not believable.
6 And the history is important for giving context to show
7 that.

8 **MR. FISHER:** Judge, we've already heard
9 testimony from the witness as to what she did get and
10 what she did send. Now they're showing her a document
11 that has nothing to do with the City of Sugar Land and
12 nothing to do with the attorney for the -- the City of
13 Sugar Land. And they're doing it time and time again
14 just to try and prejudice the Court I guess or waste our
15 time. This had nothing to do with what we're here for.
16 That's another lawsuit in county court that is still
17 subject to appeal once the mandate is sent back from the
18 Court of Appeals.

19 **MR. BITGOOD:** Your Honor, may I be heard
20 briefly?

21 **THE COURT:** Sorry?

22 **MR. BITGOOD:** May I be heard briefly?

23 **THE COURT:** Yes, you may.

24 **MR. BITGOOD:** This document, Your Honor,
25 indicates that there's a lawsuit pending between the

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1 Lewis Brisbois Texas domestic, which has been dissolved.
2 And at the time that this was done there was a lawsuit
3 pending between Lewis Brisbois Texas, Lewis Brisbois
4 California. She got that before that email was sent to
5 Giles, and she got it before she sent this letter to the
6 Attorney General. What I want to question her on is
7 this: at what point did she come to realize that there
8 were two Lewis Brisboises, and was anybody offering her
9 legal --

10 **THE COURT:** Well, ask her that. Can you
11 answer that question?

12 **Q. (BY MR. BITGOOD) Can you answer that,**
13 **Ms. Riede?**

14 A. That was two questions. Can I answer them
15 separately?

16 **Q. Yes.**

17 **THE COURT:** Yes, you may.

18 A. Okay. The first question is when did I come to
19 realize there were two Lewis Brisbois?

20 **Q. (BY MR. BITGOOD) Uh-huh.**

21 A. That would be when I sent this email to Norman
22 with the question mark trying to figure out why they
23 hired you because I thought it was a conflict of
24 interest. And they said, "No, we did not hire you."
25 And I said, "Why are you suing yourselves?" And they

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1 told me not to worry about it, they had it under
2 control. I believe they had it under control even
3 though you continued to send me these documents where it
4 appears that Lewis Brisbois is sending them to each
5 other, but I relied on my past history with them. And I
6 don't know why you kept sending me these.

7 Q. Okay. So you -- you claimed that they told you
8 they had it under control, correct?

9 A. It was not for me to resolve. It was for them
10 to resolve.

11 THE COURT: Yeah, I don't think this
12 witness can help on that. I really don't.

13 MR. BITGOOD: Okay.

14 THE COURT: Let's move on.

15 Q. (BY MR. BITGOOD) So on August -- that was
16 August seven -- what day did you send the -- the
17 conversation that you just spoke about, what day did
18 that take place?

19 A. August 17th or 18th of 2022.

20 Q. Okay. So, now what I've handed you comes a
21 month later.

22 A. Where you're still using the name, yes.

23 Q. Okay.

24 THE COURT: Okay. Let's move on.

25 MR. BITGOOD: Thank you, sir.

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1 **Q. (BY MR. BITGOOD)** Would you look at page 2
2 of --

3 **MR. BITGOOD:** That would be document six?

4 **THE COURT:** What's this question about now?
5 I thought we were going to move on.

6 **MR. BITGOOD:** Your Honor, I want to point
7 out that the -- the court in Fort Bend County said that
8 they didn't have authority to appear in Fort Bend County
9 court.

10 **MR. FISHER:** Your Honor, once again, that's
11 got nothing to do with this lawsuit here. It's subject
12 to appeal still. And this witness has nothing to do
13 whatsoever with whatever it is that an associate judge
14 in Fort Bend County said on a particular day.

15 **THE COURT:** Yeah, I agree. It's not --
16 it's not -- this witness can't help us on that. Maybe
17 you have another witness that can help. Let's move on.

18 **Q. (BY MR. BITGOOD)** So I want to summarize to be
19 clear. Nothing that I sent you offered mediation or
20 legal services to the City of Sugar Land, correct?

21 **MR. FISHER:** Asked and answered.

22 **THE COURT:** Yeah, that's -- that's already
23 been asked and answered. Let's move on. I think it's
24 redundancy.

25 **MR. BITGOOD:** Pass the witness, Your Honor.

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1 **THE COURT:** Any questions from any other
2 counsel?

3 **MS. NORMAN:** Yes, Your Honor.

4 **THE COURT:** Okay.

5 EXAMINATION

6 BY MS. NORMAN:

7 Q. Ms. Riede, does the City of Sugar Land permit
8 its -- I think you just testified the City of Sugar Land
9 permits its police officers to have extra jobs?

10 A. Yes.

11 Q. Okay. And those have to be approved by the
12 city via the police department, correct?

13 A. Yes.

14 Q. Okay.

15 A. There's a standing list that's coordinated
16 through the police department.

17 Q. I'm sorry?

18 A. It's coordinated through the police department.

19 Q. Okay. So when -- when an employee of the
20 police department has an additional employee job that's
21 not as a subcontractor or not as an independent
22 contractor, does the city find that to be a conflict of
23 interest?

24 **MR. FISHER:** Judge, this has nothing to do
25 whatsoever with the lawsuit that we're here about.

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1 That's a question about the City of Sugar Land's policy
2 with respect to whether police can possibly take on
3 other jobs --

4 **THE COURT:** She's already said they can,
5 and they have. So let's move on.

6 **MS. NORMAN:** Pass the witness.

7 **THE COURT:** Any more questions?

8 **MR. DUNWOODY:** Yes, Your Honor.

9 EXAMINATION

10 BY MR. DUNWOODY:

11 Q. Ms. Riede, my name is Wallace Dunwoody. I
12 represent Brad Beers. So how long have you worked for
13 the City of Sugar Land?

14 A. Twenty-one years.

15 Q. Okay. And during that time how long has Lewis
16 Brisbois been doing legal work for the City of Sugar
17 Land?

18 A. I can't answer that. Our risk pool, we used
19 Bill Helfand and Norman Giles and a number of the other
20 attorneys from different law -- as they've moved from
21 law firms. I don't know if we used Lewis Brisbois prior
22 to them taking this case. It's just whatever my risk
23 pool assigns.

24 Q. Okay. For as long as you can recall?

25 A. For as long as I can recall we have used Bill

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1 Helfand and Norman Giles.

2 Q. And you and Mr. Giles went to law school
3 together; is that right?

4 A. Yes.

5 Q. So you've known him over 20 years?

6 A. Okay. Yes.

7 Q. How do you know Mr. Bitgood?

8 A. Via emails.

9 Q. When was the first time you became acquainted
10 with Mr. Bitgood?

11 A. By email?

12 Q. Yeah. In any way.

13 A. I don't recall. Probably -- well, I'd just be
14 guessing.

15 Q. Well, we saw emails that were at least as early
16 as March of '22. Was there stuff before that?

17 A. I -- yes. I would say yes.

18 Q. Okay. And what was your impression of him?

19 A. He was an unhappy person.

20 Q. Can you explain what you mean by "unhappy"?

21 A. He was very creative in his responses to the
22 city, and it does not come across as an ordinary citizen
23 when they're unhappy. He was very passionate.

24 Q. Okay. Can you give us an example of what it
25 was that gave you that impression?

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1 A. Sometimes his emails are over-the-top.

2 Q. Did you -- what do you mean by "over-the-top"?

3 A. You going to make me go there? He sent emails
4 alleging that I'm a secret agent, I work for the KGB,
5 and I have a secret decoder ring, among others.

6 Q. Did that stand out to you as unusual?

7 A. Yes.

8 Q. Was there any chance that you were going to be
9 interested in using his mediation or arbitration
10 services?

11 A. That wasn't my concern. My concern was that
12 the law firm I used had hired him.

13 Q. Right. But you've -- there was no way that you
14 were going to use Mr. Bitgood's mediation or arbitration
15 services? Fair?

16 A. In a roundabout way, yes, that's fair.

17 Q. And you considered -- based on the emails that
18 you had received previously you've had an antagonistic
19 relationship with Mr. Bitgood? True?

20 A. I -- I wouldn't say it was antagonistic from my
21 side. I routinely get emails from residents and other
22 people that seem to be that unusual.

23 Q. Okay. But the KGB decoder ring stood out to
24 you?

25 A. This is the first time I've been accused of

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1 being a Russian spy. Yes.

2 Q. And you didn't like that? Fair?

3 A. I thought it was funny.

4 Q. And did you talk with other people at work
5 about having received that email?

6 MR. VIADA: It's attorney-client.

7 A. That's attorney-client.

8 Q. (BY MR. DUNWOODY) The fact that you -- whether
9 or not you talked with somebody is attorney-client
10 privilege? I don't think that's true.

11 A. Yes, I did.

12 Q. And who did you talk with about it?

13 A. Since he went ahead and blind copied my city
14 council I had to talk to them, my city manager, and my
15 mayor.

16 Q. Did you consider that to be embarrassing?

17 A. No.

18 Q. Has Mr. Bitgood ever offered you any kind of
19 good?

20 A. Define "good."

21 Q. Anything that he was going to sell to you?

22 A. To sell to me, no, not exactly.

23 Q. Okay. And never offered you any kind of
24 service?

25 A. Yes, he has.

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1 **Q. What service did he offer you?**

2 A. After I apologized to Mr. Healey, he sent me a
3 very nice email praising me and offering to help me any
4 time I needed it in the future.

5 **Q. What kind of service was he offering to you?**

6 A. That's all it said. Any time -- any way to
7 help me in the future.

8 **Q. Okay. What kind of service did you think that**
9 **was?**

10 A. I didn't really spend much time thinking about
11 it. I just put it in the slide folder, like I do all of
12 his emails.

13 **Q. And when was that?**

14 A. I don't recall. Probably over the summer.

15 **Q. Sometime in the summer of '22?**

16 A. Yes, I believe so.

17 **Q. And you had conversations with Bill Helfand at**
18 **Lewis Brisbois after you got the email from Mr. Bitgood**
19 **in August of '22?**

20 A. Yes.

21 **Q. And did you genuinely ask Mr. Helfand if he had**
22 **hired --**

23 A. Yes, I did.

24 **Q. And you asked him if he had hired him. Was**
25 **that a serious question?**

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1 A. It was a frustrating question.

2 **Q. Were you -- was it sort of a joke? Were you**
3 **asking in jest?**

4 A. It was not in jest.

5 **Q. Surely you didn't believe that Lewis Brisbois**
6 **had hired Mr. Bitgood.**

7 A. I would like to have thought that was my
8 mindset that day. But, no, I was concerned that they
9 might have actually hired him. I would not think that
10 they would have filed this name and used it with the
11 court if they had not hired him, if he did not have the
12 right to use that name.

13 **Q. Okay. And that would have been concerning to**
14 **you if Lewis Brisbois had hired Mr. Bitgood?**

15 A. It would have been a conflict of interest.
16 Yes.

17 **Q. But also concerning to you?**

18 A. Any conflict of interest to my client is a
19 concern to me.

20 **Q. And you had no intention of having a law firm**
21 **do work for the City of Sugar Land if Mr. Bitgood worked**
22 **for that law firm?**

23 A. In light of the case that was attached, since
24 that was my client, that's correct. I would not
25 continue to use them.

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1 Q. And how long did -- how long was the
2 conversation with Mr. Helfand?

3 A. I don't remember.

4 Q. Was it a 30 minute call? Was it a 5 minute
5 call?

6 A. Between 5 and 30 minutes. Probably closer to
7 30.

8 Q. And at the end of that call was there any
9 confusion in your -- in your mind as to whether or not
10 Mr. Bitgood worked for Lewis Brisbois?

11 A. No.

12 MR. DUNWOODY: I'll pass the witness.

13 THE COURT: Any more questions?

14 MR. BITGOOD: Redirect, Your Honor.

15 MR. FISHER: No questions, Judge.

16 THE COURT: We got any other witnesses?

17 MR. BITGOOD: Just -- just two more
18 questions, Your Honor, so the judge will know.

19 EXAMINATION

20 BY MR. BITGOOD:

21 Q. On page 2 of this letter of March 25th, 2022, I
22 write "If I did not know better, your email would lead
23 the reader (and there will be plenty of readers) to
24 believe that you actually represent the KGB, and that
25 the officers involved are 'secret' agents whose

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1 identities must be preserved at all costs for 'Mother'
2 Sugar Land, rather than the very public law-enforcement
3 agency, whose officers are public servants, not
4 under-cover enforcers for private entities." In that
5 context is anybody calling you names, a KGB agent?

6 THE COURT: Did what?

7 Q. (BY MR. DUNWOODY) In that context did you
8 believe you were being called a KGB agent?

9 A. In that context I realized I was not dealing
10 with a stable person.

11 MR. BITGOOD: Pass the witness, Your Honor.

12 THE COURT: Okay. Can we adjourn?

13 MR. DUNWOODY: Yes, sir.

14 MR. BITGOOD: Yes, Your Honor.

15 THE COURT: Thank you very much.

16 (Whereupon at 12:26 p.m. the
17 deposition was concluded.)
18
19
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21
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23
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25

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1 I, MEREDITH R. RIEDE, have read the foregoing
 2 deposition and hereby affix my signature that same is
 3 true and correct, except as noted above.
 4

5 _____
 6 MEREDITH R. RIEDE
 7

8 THE STATE OF _____)
 9 COUNTY OF _____)
 10

11 Before me, _____, on
 12 this day personally appeared MEREDITH R. RIEDE, known to
 13 me (or proved to me under oath or through
 14 _____) (description of identity
 card or other document) to be the person whose name is
 subscribed to the foregoing instrument and acknowledged
 to me that they executed the same for the purposes and
 consideration therein expressed.

15 Given under my hand and seal of office this
 16 _____ day of _____, _____.
 17

18 _____
 19 NOTARY PUBLIC IN AND FOR
 20 THE STATE OF _____
 21 COMMISSION EXPIRES: _____
 22
 23
 24
 25

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1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF TEXAS
 3 HOUSTON DIVISION

4 LEWIS BRISBOIS BISGAARD & §
 SMITH, LLP, §

5 Plaintiff, §

6 v. §

§ Case No. 4:22-cv-3279

7 MICHAEL JOSEPH BITGOOD, §
 8 a/k/a "Michael Easton," §
 et al., §

9 Defendants. §

10
 11
 12 REPORTER'S CERTIFICATION
 DEPOSITION OF MEREDITH R. RIEDE
 13 APRIL 1, 2024
 14

15 I, John G. Rochelle, Certified Shorthand Reporter
 16 in and for the State of Texas, hereby certify to the
 17 following:

18 That the witness, MEREDITH R. RIEDE, was duly sworn
 19 and that the transcript of the oral deposition is a true
 20 record of the testimony given by the witness;

21 That the deposition transcript was submitted on
 22 _____ to the witness or to the attorney for
 23 the witness for examination, signature and return to
 24 Worldwide Court Reporters, Inc., by _____;

25 That the amount of time used by each party at the

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1 deposition is as follows:

2 Mr. Bennett G. Fisher - 00:00

3 Mr. William S. Helfand - 00:00

4 Mr. S. Wallace Dunwoody IV - 00:07

5 Mr. Michael Joseph Bitgood - 00:48

6 Ms. Susan C. Norman - 00:01

7 Mr. Ramon G. Viada III - 00:00

8 That pursuant to information given to the
9 deposition officer at the time said testimony was taken,
10 the following includes counsel for all parties of
11 record:

12 Mr. Bennett G. Fisher, Mr. William S. Helfand,
13 Attorneys for Plaintiff, Lewis Brisbois Bisgaard & Smith
14 LLP;

15 Mr. S. Wallace Dunwoody IV, Attorney for Defendant,
16 Bradley Beers;

17 Mr. Michael Joseph Bitgood, Defendant Pro Se;

18 Ms. Susan C. Norman, Attorney for Defendant,
19 Richard P. Jones;

20 Mr. Ramon G. Viada III, Attorney for the Witness,
21 Meredith R. Riede.

22 That \$_____ is the deposition officer's
23 charges to the Defendant, Susan C. Norman, counsel for
24 Richard P. Jones, for preparing the original deposition
25 transcript and any copies of exhibits.

MSJ EXJIBIT 5 - DEFENDANTS' RESPONSE

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1 I certify that a review of the transcript was
2 required by court order.

3 I also certify pursuant to the presiding judge the
4 federal read on by the reporter for the record was not
5 required.

6 I further certify that I am neither counsel for,
7 related to, nor employed by any of the parties or
8 attorneys in the action in which this proceeding was
9 taken, and further that I am not financially or
10 otherwise interested in the outcome of the action.

11 Certified to by me this 13th day of April, 2024.
12
13
14
15

16 
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Texas CSR No. 5644

17 Expiration Date: 10/31/25

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